



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.08.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No. 955 of 2015

K.Syed Nisha .. Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

3. Abdul Rahman

4.Thajtheen @ Najeerkhan .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, praying for a direction to the respondents 1 and 2 to produce the body or person of petitioner's husband namely Sirajutheen @ Kahther Khan, S/o.A.K.Sikanther, aged about 32 years, the detenu in the present case, before this Court and set him at liberty.

For Petitioner : Mr.V.M.Balamohan Thampi

For R1 and R2 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

For R3 and R4 : Mr.Sheik Abdulla

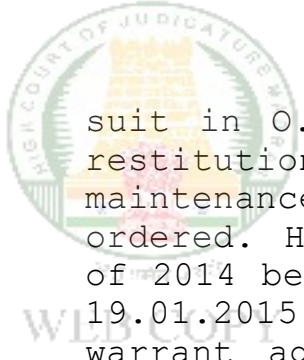
ORDER

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner is the wife of one Mr.Sirajudeen @ Khather Khan, aged about 32 years. According to the petitioner, Mr.Sirajudeen has been found missing from 19.01.2015 onwards.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2, the learned counsel appearing for the respondents 3 & 4 and we have also perused the records carefully.

3. Even according to the allegation made in the affidavit filed by the petitioner, it is seen that the petitiner has filed a



suit in O.S.No.11 of 2010 before the Family Court, Madurai, for restitution of conjugal rights. She has filed a case for maintenance in M.C.No.73 of 2008, in which, maintenance was ordered. Her husband filed a criminal revision in CrI.R.C.No.468 of 2014 before this court and the same was also dismissed only on 19.01.2015. Now, the Family Court, Madurai, issued a non bailable warrant against him on 25.02.2015. In those circumstances, the petitioner has come up with this Habeas Corpus Petition.

4. In our considered view, this petition is a clear abuse of process of Court. There are matrimonial disputes pending before the civil court as well as before the Magistrate and where a warrant has also been issued against him. Therefore, the petitioner has to work out his remedy before the civil Court and the Magistrate's Court. Accordingly, this petition is dismissed.

sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

PJL/RR

To

1. The Commissioner of Police,
Madurai District, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+one cc to Mr.V.M.Balamohan Thampi, Advocate in SR.NO.47486

ORDER MADE IN
H.C.P (MD) No.955 of 2015
18.08.2015

CSL/AN-MP/SAR(J)/04.09.2015
2P/5C